



**TOWN OF PORTSMOUTH
PLANNING BOARD**

2200 East Main Road
Portsmouth, RI 02871
401-683-3717

**PORTSMOUTH PLANNING BOARD
Regular Meeting
November 13, 2019**

Members Present: Guy Bissonnette, Edward Lopes, Luke Harding, Kathleen Wilson and David Garceau

Members Absent: Ryan Tibbetts

Others Present: Leon Lesinski, Administrative Officer, Portsmouth Planning Board, Atty. Kevin Gavin, Portsmouth Town Solicitor and Michael Asciola, Assistant Town Planner.

The Meeting was called to order by Mr. Bissonnette at 7:00 p.m.

1. Agenda Continuances/Modifications:

Mr. Lesinski indicated that he had not heard from the petitioner, who was not present, for agenda item # 5, Harkins Development Co., AP68, Lot 15. Mr. Bissonnette suggested that the Planning Board address a possible continuance in the proper sequence of the agenda, allowing time for the petitioner to show at the meeting.

2. Approval of minutes for Planning Board meetings of August 14, 2019, September 11, 2019, September 25, 2019 and October 9, 2019

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to approve the meeting minutes of August 14, 2019, September 11, 2019, September 25, 2019 and October 9, 2019. All in favor. So voted.

Mr. Lopes continued his previous recusal for agenda items #3 and #4.

3. Velocity NBC, LLC. (The Newport Beach Club) – Approve Decision for Minor Modification (5th Modification) for the re-allocation of a proposed residential unit to an existing coastal structure to be renovated.

Mr. Bissonnette read a letter, dated November 13, 2019, from Atty. Danielle Dufault, of Alder, Pollack & Sheehan, P.C., 49 Bellevue Avenue, Newport, RI, by which a request is made to withdraw the petition. Atty. Gavin advised the Planning Board to move to accept the withdrawal and to rescind the previous decision to approve the petition.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson to accept the withdrawal of and rescind the Planning Board decision, dated August 14, 2019, for *Velocity NBC, LLC. (The Newport Beach Club) – Approve Decision for Minor Modification (5th Modification) for the re-allocation of a proposed residential unit to an existing coastal structure to be renovated.* All in favor. So voted.

4. Jay & Andrea Schachne, AP 23, Lot 19 (The Newport Beach Club Condominium) – Request for Minor Modification (6th Modification) to combine two single family units in the Newport Beach Club into one unit (units 14H and 15H)

Atty. John Garrahy, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, RI appeared representing the petitioners with a request to combine two single family units, 14H and 15H in Newport Beach Club. Atty. Danielle Dufault, of Alder, Pollack & Sheehan, P.C., 49 Bellevue Avenue, Newport, RI, who represents the developer, Newport Beach Club Condominium, communicated the developers' approval of the request by a letter, dated November 13, 2019. At Atty. Garrahy's request, the Planning Board entered this letter into the record.

MOTION: Mr. Harding made a motion, seconded by Mr. Garceau, to accept Lyn Small, P.E., Northeast Engineers & Consultants, Inc., 55 John Clarke Road, Middletown, RI as an expert in the field of civil engineering. All in favor. So voted.

Ms. Small reviewed the plan indicating the lots, 14H and 15H, which owned by the Dr. and Mrs. Schacne. The existing plan indicates one guesthouse on each lot. Ms. Small explained that with the merging of the lots, only one guesthouse is allowable. She indicated that at this time, there is no proposal to relocate the forgone lot elsewhere in the development. She noted that the Homeowners' Association documents allow property owners to merge two adjacent lots without representation from the developer. Ms. Small responded to questions from the Planning Board. She stated that the approved density under the PUD is 152 units or lots and that the developer has the right to enter a petition to the Planning Board to relocate the lost lot. She indicated that the Schacne's could seek approval for a larger house design, provided that it meets the architectural design standards for the development. She noted that the RIDEM mandates water quality treatment systems for each property. She noted that the condominium documents mandate structural building envelopes to control the preservation of the views in the development. Dr. Schacne's house is proposed to sit about 50 feet from the roadway, which Ms. Small recommended due to the steep grade of the property. Mr. Bissonnette called for public comment.

Cort Chappell, abutter, 80 Evans Way, Portsmouth noted that while the maximum density for the development is 152 units, only 148 units were approved in the design plan. He views the petition favorably because it constitutes a reduction in density.

MOTION: Mr. Harding made a motion, seconded by Ms. Wilson, to approve *Jay & Andrea Schachne, AP 23, Lot 19 (The Newport Beach Club Condominium) – Request for Minor Modification (6th Modification) to combine two single family units in the Newport Beach Club into one unit (units 14H and 15H)*. All in favor. So voted.

5. Harkins Development Co., AP68, Lot 15 – Request for extension to complete construction of public road (Elm Street)

Neither the petitioner nor a representative appeared to address this agenda item.

MOTION: Mr. Harding made a motion, seconded by Mr. Lopes, to continue Agenda

item # 5, Harkins Development Co., AP68, Lot 15 – Request for extension to complete construction of public road (Elm Street) to the January 8, 2020 regular meeting. All in favor. So voted.

6. Cort Chappell – Request for Advisory Opinion to Town Council regarding proposed amendment to the Zoning Ordinance for inclusion of a Solar Ordinance

Atty. Cort Chappell, Chappell & Chappell, 171 Chase Road, Portsmouth requested a review of the Zoning Ordinance Amendment Draft – Solar Energy Systems, dated November 13, 2019 and further a favorable recommendation to the Town Council from the Planning Board. The Planning Board reviewed the draft and made the following modifications:

1. Page 3, line 18, Article VII, Section E, 1. Height Requirements, Item a:
MOTION: Ms. Wilson made a motion, seconded by Mr. Harding, to insert the phrase, "...at existing grade." after the term, "feet". All in favor. So voted.
2. Page 3, line 31, Article VII, Section E, 2. Yard Setbacks and Vegetative Buffer Area Requirements, Item b, i: Delete the terms, "...may be..." and change the term "conflict" to "conflicts".
3. Page 5, line 3, Article VII, Section F, 1. Narrative Report:
MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to insert item "1. A satellite locus map with aerial imagery showing a 1000 foot radius of the proposed site."
All in favor. So voted.
4. Page 5, line 6, Article VII, Section F, 2. Development Plans: Insert a slash (/) between the terms "and" and "or".
5. Page 6, line 35, Article VII, Section G, 1. Site Design, Item g: Strike the term "should" and replace it with the term "shall".
6. Page 6, line 39, Article VII, Section G, 1. Site Design, Item h: Strike the term "should" and replace it with the term "shall".
7. Page 7, Line 29, Article VII, Section G, 2. Operating Standards, Item c: Insert the term "designed," prior to the phrase "...constructed and maintained...".
8. Page 8, Line 20, Article VII, Section I: Insert wording that makes reference to the penalty section in the Portsmouth Zoning Ordinance.

Mr. Bissonnette called for public comment to which there was none.

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to make a favorable recommendation with modifications to the Town Council, following a complete review by the Planning Board of the *Zoning Ordinance Amendment Draft – Solar Energy Systems, dated November 13, 2019. All in favor. So voted.*

7. Discuss Aquidneck Island Planning Commission (AIPC) report of AIPC activities

Ms. Wilson reported on the activities of the AIPC including a thank you letter to municipal planning board members, the West Side Master Plan schedule, the difficulties with project bidding processes, the grant for an infrastructure report of Burma Road, a future presentation at the RI State House by the AIPC on the contaminated land along Burma Road, the grant from the Narragansett Bay Commission for water treatment portals in Newport and St. Mary's pond, the AIPC application to the RIDEM Section 319, Nonpoint Source grant program, the AIPC event on coyote information, the upcoming census, the potential for state government representative participation on the AIPC Board, the re-imaging and re-branding of the AIPC, the new AIPC funding revenues and the Transportation Master Plan meeting scheduled for November 14, 2019.

8. Approve November 13, 2019 Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Recording

MOTION: Mr. Lopes made a motion, seconded by Mr. Harding, to accept the Portsmouth Planning Board Monthly Project Status Reports, Administrative Subdivisions and Plat Plan Filings, November 13, 2019 and to place it into the record. All in favor. So voted.

At 7:56 p.m., a motion was duly made and seconded to adjourn the meeting. All in favor. So voted.

Respectfully submitted:
Dede Walsh
Recording Secretary for:

Leon Lesinski
Administrative Officer